



UNITED STATES
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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
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In re Application of :
Teruyuki Ninomiya et al :
Serial No.: 09/874,276 : WITHDRAWAL OF ABANDONMENT
Filed: June 6, 2001 :
Attorney Docket No.: 396.40193X99 :

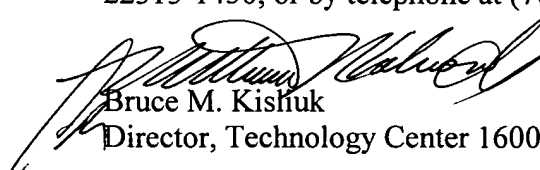
This is in response to the petition under 37 CFR 1.181, filed July 16, 2002, requesting withdrawal of the holding of abandonment of the above identified application. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed a Notice of Allowance and Issue Fee Due and a Notice of Allowability to applicants on January 31, 2002, setting a three month statutory period for payment of the Issue Fee. A Notice of Abandonment was mailed to applicants on May 31, 2002, when no Issue Fee had been received. Applicant states that the Notices were never received and provides statements and docket record evidence to confirm non-receipt. In addition, the mailed copy of the Notices was returned to the Office by the US Postal Service for unknown reasons and the Office failed to remail the Notices. In view of the evidence presented, the Notice of Abandonment is withdrawn and the application is restored to pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

The application will be forwarded to the examiner for mailing of a new Notice of Allowance and Issue Fee Due and a new Notice of Allowability.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.


Bruce M. Kishuk

Director, Technology Center 1600